City of Lafayette Staff Report

For:	City Council
By:	J. Matthew Luttropp, Associate Engineer
Date Written:	April 25, 2008
Meeting Date:	May 12, 2008
Subject:	**Camino Diablo Guard Rail Project, Project No. 014-9669**

Introduction

The 2008 Capital Improvement Program will install a guard rail on Camino Diablo to the south of the intersection with Nogales Street. In order to obtain Federal Aid assistance in connection with this project, the City of Lafayette must execute the attached Program Supplement No N020 to the Administering Agency-State Agreement for Federal Aid Project No. 04-5404(018).

Fiscal Impact

Agreements must be fully executed prior to June8th, 2008 to receive $44,114 in federal funds for this project.

Recommendation

It is recommended that the City Council adopt Resolution No. 2008-20 authorizing the City Manager to execute all Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, Fund Transfer Agreements and any amendments thereto for Federal Aid Project No. 04-5404(018).

PROGRAM SUPPLEMENT NO. N020
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR FEDERAL-AID PROJECTS NO. 04-5404R

Date: April 01, 2008
Location: 04-CC-0-LFYT
Project Number: HSIP-5404(018)
E.A. Number: 04-925213

This Program Supplement hereby incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 02/29/08 and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. , approved by the Administering Agency on (See copy attached).

The Administering Agency further stipulates that as a condition to the payment by State of any funds derived from sources noted below obligated to this project, the Administering Agency accepts and will comply with the Special covenants or Remarks setforth on the following pages.

PROJECT LOCATION:
City of Lafayette on Camino Diablo

TYPE OF WORK: Guardrail **LENGTH:** 0 (MILES)

Estimated Cost	Federal Funds		Matching Funds		
	LS30	$44,114.00	LOCAL		OTHER
$49,016.00			$4,902.00	$0.00	$0.00

CITY OF LAFAYETTE

By _____

Date _____

Attest _____

Title _____

STATE OF CALIFORNIA
Department of Transportation

By _____

Chief, Office of Project Implementation
Division of Local Assistance

Date _____

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer Gary Buchanan Date 4/2/2008 $44,114.00

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT
171	2007	2660-102-890	2007-2008	20.30.010.550	C	262042	892-F	44,114.00

SPECIAL COVENANTS OR REMARKS

1. ADMINISTERING AGENCY agrees that it will only proceed with work authorized for specific phase(s) with an "Authorization to Proceed" and will not proceed with future phase(s) of this project prior to receiving an "Authorization to Proceed" from the STATE for that phase(s) unless no further State or Federal funds are needed for those future phase(s).

2. Any State and Federal funds that may have been encumbered for this project are only available for disbursement for a period of five (5) years and seven (7) years, respectively, from the start of the fiscal year(s) that those funds were appropriated within the State Budget Act. All project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested and is approved by the California Department of Finance per Government Code Section 16304. The exact date of each fund reversion will be reflected in the approved finance letter(s) issued for this project.

   Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement that is not submitted to the Department on or before 60 days after that applicable fixed fund reversion date will not be paid from that fiscal year's encumbered funds because all of these unexpended funds will be irrevocably reverted by the Department's Division of Accounting on that date.

   Pursuant to a directive from the State Controller's Office and the Department of Finance, the last date to submit invoices for reimbursed work in each fiscal year is May 15th in order for payment to be made out of those then current appropriations. Project work performed and invoiced after May 15th will be reimbursed only out of available funding that might be encumbered in the subsequent fiscal year, and then only when those funds are actually allocated and encumbered as authorized by the California Transportation Commission and the Department's Accounting Office.

3. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.

4. Award information shall be submitted by the ADMINISTERING AGENCY

SPECIAL COVENANTS OR REMARKS

to the District Local Assistance Engineer within 60 days after the project contract award. A copy of the award package shall also be included with the submittal of the ADMINISTERING AGENCY's first invoice for the construction contract to:
Department of Transportation

Division of Accounting
Local Programs Accounting Branch, MS #33
P. O. Box 942874
Sacramento, CA 94274-0001.

Failure to do so will cause a delay in the State processing invoices for the construction phase. Please refer to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.

5. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the funds are encumbered for each phase by the execution of this Project Program Supplement Agreement, or by STATE's approval of an applicable Finance Letter. STATE reserves the right to suspend future authorizations/obligations, and invoice payments for any on-going or future federal-aid project by ADMINISTERING AGENCY if PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

   If no costs have been invoiced for a six-month period, ADMINISTERING AGENCY agrees to submit for each phase a written explanation of the absence of PROJECT activity along with target billing date and target billing amount.

   ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current Local Assistance Procedures Manual.

BEFORE THE CITY COUNCIL OF THE CITY OF LAFAYETTE
IN THE MATTER OF:

Authorizing the City Manager to Execute Program Supplement No N020 to Administering Agency-State Agreement for Federal-Aid project No 04-5404(018)	)	Resolution No. 2008-20

WHEREAS, the City Council of the City of Lafayette, Contra Costa County, California, duly adopted on May 12, 2008, its Resolution No. 2008-20; and

WHEREAS, the City of Lafayette is eligible to receive Federal funding for the Camino Diablo Guard Rail Project, "Project Number HSIPL 5404(018)", through the California Department of Transportation and

WHEREAS, Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements and/or Fund Transfer Agreements need to be executed with the California Department of Transportation before such funds can be claimed and

NOW, THEREFORE, BE IT RESOLVED THAT: the City Council of the City of Lafayette hereby authorizes the City Manager to execute all Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, Fund Transfer Agreements and any amendments thereto with the appropriate office of the State of California Department of Transportation.

PASSED AND ADOPTED by the City Council of the City of Lafayette at a regular meeting held on May 12, 2008, by the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

_____
Mike Anderson, Mayor

ATTEST:

_____
Joanne Robbins, City Clerk